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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/583,172

06/15/2006

Joachim Voigt

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30996

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07/24/2009

ROBERT W. BECKER & ASSOCIATES

707 HIGHWAY 333

SUITE B

TIJERAS, NM 87059-7507

EXAMINER

NELSON JR, MILTON

ART UNIT

PAPER NUMBER

3636

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/583,172	<b>Applicant(s)</b> VOIGT ET AL.	
	<b>Examiner</b> Milton Nelson, Jr.	<b>Art Unit</b> 3636	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06/11/09.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 15, 17-25, 27 and 28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28 is/are allowed.
- 6) ☒ Claim(s) 15, 17-25, 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information referred to in the information disclosure statement, originally filed August 29, 2006, has been considered.

### ***Claim Rejections - 35 USC § 102***

The rejection of claims 15, 16, 19, 20, 23, and 25 under 35 U.S.C. 102(b) as being anticipated by Isono (4589695) has been overcome by Applicant's amendment.

### ***Claim Rejections - 35 USC § 103***

The rejection of claim 28 under 35 U.S.C. 103(a) as being unpatentable over Isono (4589695) has been overcome by Applicant's amendment.

The rejection of claim 17 under 35 U.S.C. 103(a) as being unpatentable over Isono (4589695) in view of Sekido (4965899) has been overcome by Applicant's amendment.

The rejection of claim 18 under 35 U.S.C. 103(a) as being unpatentable over Isono (4589695) in view of Cawley (4017118) has been overcome by Applicant's amendment.

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The rejection of claims 21 and 22 under 35 U.S.C. 103(a) as being unpatentable over Isono (4589695) in view of France (2666974) has been overcome by Applicant's amendment.

The rejection of claim 24 under 35 U.S.C. 103(a) as being unpatentable over Isono (4589695) in view of Jensen (5433506) has been overcome by Applicant's amendment.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 15 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In line 8 to 11, the limitation of the at least one further lumbar air cushion being provided in a lower lumbar vertebral column region of the backrest between the at least one centrally disposed air cushion and "either said cover or said backrest", fails to be supported by the originally filed disclosure. The originally filed disclosure appears only to support the at least one further lumbar air cushion being provided in a lower lumbar vertebral column region of the backrest

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between the at least one centrally disposed air cushion and the cover. In the remarks provided with the response filed June 11, 2009, reference is made to Figures 1 and 6, and page 6, lines 16-18 of the specification. Review of this subject matter does not appear to support the alternative configuration newly set forth in claim 15. Lines 16-18 on page 6 of the specification does not indicate that the at least one further lumbar air cushion is provided in a lower lumbar vertebral column region of the backrest between the at least one centrally disposed air cushion and either said cover "or said backrest". Neither of Figures 1 and 6 show the at least one further lumbar air cushion being provided in a lower lumbar vertebral column region of the backrest between the at least one centrally disposed air cushion and either said cover "or said backrest". As such, the above cited limitation represents new matter.

### ***Allowable Subject Matter***

Claim 28 is allowed.

### ***Response to Amendment/Arguments***

Applicant's response has been fully considered. Remaining issues are described in the above sections. Claims 15, 17-25, and 27 appear to overcome the prior art of record, however note that the rejection under 35 USC 112, first paragraph, must be rectified.

### ***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milton Nelson, Jr. whose telephone number is (571) 272-6861. The examiner can normally be reached on Mon-Thurs, and alternate Fridays, 5:30-3:00 EST.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Milton Nelson, Jr./  
Primary Examiner, Art Unit 3636

mn  
July 16, 2009